

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

ADAM STUPAK,

Defendant.

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Criminal No. 04-10367-DPW

MOTION TO FURTHER CONTINUE SENTENCING
(Assented To)

Now comes the United States of America, by and through its attorney, Michael J. Sullivan, and requests the Court to continue the sentencing of the defendant, Adam Stupak, in this case from March 21, 2006 until a date on or after September 15, 2006, for the following reasons:

1. The defendant, Adam Stupak, has entered into a Plea Agreement with the government which requires him to, among other things, cooperate fully with law enforcement agents and government attorneys, and requires that he testify truthfully and completely before any grand jury, and at any hearing and trial in this and any related cases. The defendant's cooperation is not yet complete and will not be for some .
2. In his Plea Agreement the defendant waived any rights he may have to prompt sentencing and agreed to join in any requests by the U.S. Attorney that sentencing

be postponed until Defendant's cooperation is complete, in order to enable the Court to have the benefit of all relevant sentencing information.

3. As part of his plea agreement with the United States, the U.S. Attorney reserved the right to make a motion pursuant to U.S.S.G. § 5K1.1 for a downward departure based upon Mr. Stupak's substantial assistance. At present, the defendant's cooperation is not complete and will not be complete at least and until he testifies in a pending case, *United States v. John Bruens, et al.*, Criminal No. 05-10102-JLT, in which he is a key witness.
4. The *Bruens* case is currently still in the discovery process. Since July of 2005, the defendants have been reviewing over 2 million documents produced by the government. Discovery is on-going. Discovery letters have been exchanged, discovery motions have been filed and are pending with the Court. By agreement, additional documents are being provided to the defendants by the government. There is presently no trial date in the *Bruens* case. A status conference is set for March 6, 2006. The case is not expected to be tried before the Fall of 2006.
5. Because the of the pending *Bruens* case and an on-going investigation, all relevant sentencing information is not yet available regarding Mr. Stupak. The information is expected to be available until --now at the earliest-- the Fall of 2006. Therefore, the government requests that sentencing in this case be continued until a date on or after September 15, 2006.
6. The parties have conferred pursuant to L. R. 7.1. Defendant's counsel assents to this motion.

Wherefore, the United States requests the Court to further continue sentencing in this case from March 21, 2006 until a date on or after September 15, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mary Elizabeth Carmody

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CERTIFICATION PURSUANT TO L. R. 7.1 (A)(3)

I hereby certify that in early February, and again on February 23 and 27, 2006, the parties conferred and counsel for the defendant assented to this motion.

/s/ Mary Elizabeth Carmody

MARY ELIZABETH CARMODY

CERTIFICATE OF SERVICE

I hereby certify that on a true copy of the above document was served upon the attorney of record for each other party by mail on February 27, 2006.

/s/ Mary Elizabeth Carmody

MARY ELIZABETH CARMODY
Assistant U.S. Attorney